

Message Text

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ACTION EA-10

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 2028

INFO AMEMBASSY BANGKOK

AMEMBASSY PHNOM PENH

AMEMBASSY SAIGON

USMISSION GENEVA

CINCPAC

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CINCPAC FOR POLAD

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SUBJECT: JCCIA PLAN FOR RETURN OF REFUGEES TO NATIVE VILLAGES

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B) STATE 000915 (AIDAC, NOTAL)

SUMMARY: JOINT CENTRAL COMMISSION TO IMPLEMENT THE AGREEMENT (JCCIA) ON DECEMBER 20 ADOPTED EIGHT-POINT PLAN FOR HANDLING RETURN OF LAO REFUGEES TO NATIVE VILLAGES. FULL TEXT BEING SENT BY AIRGRAM. CONTRARY TO ITS EARLIER FIRM STATEMENTS, VIENTIANE SIDE APPARENTLY ABANDONED PRINCIPLES OF FREEDOM OF MOVEMENT AND OF JCCIA AUTHORITY TO OVERSEE RETURN-TO-VILLAGE OPERATIONS. JCCIA PLAN LEAVES DEALINGS WITH UN HIGH COMMISSION FOR REFUGEES UP TO CABINET. END SUMMARY

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1. JOINT CENTRAL COMMISSION TO IMPLEMENT THE AGREEMENT (JCCIA)

ON DECEMBER 20 ADOPTED AN EIGHT-POINT PLAN TO GOVERN RESETTLEMENT OF ALL REFUGEES IN LAOS. FULL TEXT WAS PUBLISHED DECEMBER 25 AND TRANSLATION IS BEING SENT BY AIRGRAM. PATHET LAO NEWS AGENCY ON DECEMBER 27 CARRIED A SUMMARY OF THE DOCUMENT WHICH IS GENERALLY ACCURATE BUT OMITTS SOME PROVISIONS (REF A).

2. PRINCIPAL POINTS OF DOCUMENT ARE AS FOLLOWS:

A) REFUGEES ARE ENTITLED TO ASSISTANCE AND PROTECTION WHETHER THEY WISH TO REMAIN WHERE THEY ARE OR TO RETURN TO THEIR NATIVE VILLAGES. ANY INTERFERENCE IS FORBIDDEN.

B) PROVISIONAL GOVERNMENT OF NATIONAL UNION (PGNU), JOINT NATIONAL POLITICAL COUNCIL (JNPC) AND LOCAL AUTHORITIES IN THE TWO ZONES ARE RESPONSIBLE FOR PROVIDING ALL FACILITIES AND ASSURING SECURITY OF REFUGEES. THOSE REFUGEES WHO WISH TO RETURN TO NATIVE VILLAGES SHOULD DO SO AS RAPIDLY AS POSSIBLE.

C) TWO SIDES OF JCCIA WILL PRESENT COMPLETE LISTS OF REFUGEES TO PGNU AND JNPC AND ASK LATTER BODIES TO PROVIDE REFUGEES WITH ARTICLES OF "PRIME NECESSITY," INCLUDING "AGRICULTURAL TOOLS, BUILDING TOOLS, HOUSEHOLD UTENSILS, CLOTHING, MEDICINES AND POCKET MONEY." TEXT ADDS: "ABOVE-MENTIONED ITEMS SHOULD BE OFFERED TO EACH FAMILY IN SUFFICIENT QUANTITY TO MEET THEIR NEEDS FOR AT LEAST ONE YEAR." (COMMENT: JCCIA DOCUMENT ITSELF DOES NOT SPECIFICALLY MENTION FOOD, ALTHOUGH PL SUMMARY (REF A) CONCLUDES LIST OF ITEMS WITH WORDS "...AND PARTICULARLY FOOD SO THAT THEY CAN LIVE ON (SIC) FOR AT LEAST A YEAR.") PGNU IS TO CONTACT DIRECTLY THOSE INTERNATIONAL AGENCIES UNDER JURISDICTION OF UNITED NATIONS WHICH WISH TO AID REFUGEES.

D) PARTY IN WHOSE ZONE REFUGEES ARE LOCATED (VIENTIANE SIDE) IS TO FURNISH OTHER PARTY (PATHET LAO) ONE WEEK IN ADVANCE NAME-LIST OF EACH GROUP OF REFUGEES WHO PLAN TO RETURN, SPECIFYING AGE, RACE AND PLACE OF ORIGIN OF EACH PERSON.

E) REFUGEES RETURNING BY LAND OR WATER ROUTES WILL BE TRANSFERED

AT BOUNDARY-MARKER POINTS SPECIFIED IN PROTOCOL
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TO VIENTIANE AGREEMENT. IF REFUGEES MOVE BY AIR, THEY WILL BE TRANSFERRED AT SUITABLE AIRFIELDS AGREED UPON IN SUBSEQUENT JCCIA DISCUSSIONS.

F) EACH SIDE WILL ORGANIZE TRANSPORTATION WITHIN ITS ZONE. PGNU IS TO SUPPLY MEANS OF TRANSPORT. RETURN CEREMONIES ARE TO BE CARRIED OUT UNDER JCCIA SUPERVISION. IN PRINCIPLE, ALL MOVEMENT OF REFUGEES SHOULD BE CARRIED OUT WITHIN TWO MONTHS OF SIGNING

OF AGREEMENT. IF THIS DEADLINE CANNOT BE MET, TWO PARTIES OF JCCIA WILL PURSUE OPERATION TO CONCLUSION AS SOON THEREAFTER AS POSSIBLE. AFTER RETURN TO NATIVE VILLAGES OR ELECTION TO REMAIN WHERE THEY ARE, REFUGEES ARE TO ENJOY SAME RIGHTS AS ALL OTHER LAO CITIZENS UNDER VIENTIANE AGREEMENT. JCCIA AND ITS MOBILE TEAMS CAN VISIT REFUGEES AFTER REPEAT AFTER THEY ARE REINSTALLED IN NATIVE VILLAGES OR AFTER THEY HAVE ELECTED TO REMAIN WHERE THEY ARE. (PL SUMMARY, REF A, OMITTS THIS LAST POINT.)

G) VIENTIANE SIDE OF JCCIA MUST FURNISH LPF SIDE COMPLETE LISTS OF PERSONS WHO WISH TO RETURN IN ORDER TO PERMIT LPF TO MAKE RECEPTION ARRANGEMENTS. MIXED MOBILE TEAMS OF JCCIA ARE ESTABLISHED AND ARE TO WORK IN CLOSE COLLABORATION WITH REPRESENTATIVES OF PGNU AND JNPC IN VISITING TEMPORARY GOVT MOVEMENT SITES TO DETERMINE REFUGEES' WISHES.

H) AGREEMENT ENTERS INTO FORCE ON DATE OF SIGNING (DECEMBER 20).

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3. SUBSEQUENTLY, JCCIA SPOKESMEN ANNOUNCED AGREEMENT TO TRANSPORT REFUGEES BY AIR FROM VIENTIANE TO PHONE SAVAN AIRPORT ON PLAIN OF JARS AND BY LAND ON ROUTE 13 TO THE AREA OF PHOU SOUNG (TG 3758), A DEMARCATION POINT SPECIFIED IN PROTOCOL TO VIENTIANE AGREEMENT WHERE BOUNDARY STAKE HAS YET TO BE PLANTED. JOURNALISTS WHO OBSERVED SEPTEMBER PRISONER EXCHANGES (ALSO HELD AT PHONE SAVAN) ARE TO BE ALLOWED TO OBSERVE REFUGEE MOVEMENT. NO DATES OR NUMBERS WERE GIVEN, BUT WE UNDERSTAND THAT AN INITIAL TRANSFER OF REFUGEES WILL BE CONDUCTED WITH CEREMONY AND PRESS COVERAGE IN NEAR FUTURE, POSSIBLY BEFORE END OF JANUARY.

4. JCCIA HAS ALSO ANNOUNCED INITIAL RESULTS OF SURVEY BY FIRST MIXED MOBILE TEAM, WHICH VISITED 291 REFUGEE FAMILIES--ALL ORIGINALLY FROM XIENG KHOUANG--AT RESETTLEMENT SITE IN VIENTIANE PROVINCE. ACCORDING TO JCCIA SPOKESMAN, OVERWHELMING MAJORITY LIMITED OFFICIAL USE

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(ALL BUT ONE FAMILY, OR 1,607 OF 1,614 PERSONS) EXPRESSED DESIRE TO RETURN HOME. (COMMENT: THIS SURVEY MAY BE MISLEADING; SEE PARA 13, BELOW.)

5. DR. KITHONG VONGSAY, VICE-CHAIRMAN OF VIENTIANE SIDE DELEGATION TO JCCIA AND CO-CHAIRMAN OF ITS COMMITTEE ON REFUGEES, DISCUSSED BACKGROUND OF DECEMBER 20 AGREEMENT WITH EMBOFF ON DECEMBER 27. KITHONG STATED THAT HE HAD INITIALLY PRESSED HARD ON ISSUE OF FREE MOVEMENT AND SITE INSPECTION IN JCCIA NEGOTIATIONS BUT, WHEN HE REVIEWED STATUS OF NEGOTIATIONS WITH PRIME MINISTER (APPARENTLY IN MID-DECEMBER), WAS TOLD NOT TO BE "TOO PERSISTENT" ON THOSE POINTS. ACCORDINGLY, OUTCOME WAS AS FOLLOWS:

A) FREEDOM OF MOVEMENT: KITHONG TOLD LPF THAT PUBLIC COMMITMENT TO FREEDOM OF MOVEMENT WOULD BE TO THEIR ADVANTAGE, SINCE IT MIGHT INDUCE MORE REFUGEES TO RETURN. LPF REPLIED THAT THEY WERE NOT CONCERNED ABOUT THIS POINT, AND VIENTIANE SIDE FINALLY CONCEDED IT.

B) PRIOR INSPECTION OF SITES: VIENTIANE SIDE URGED THAT JCCIA MOBILE TEAMS BE ALLOWED TO VISIT SITES IN LPF-CONTROLLED ZONE BEFORE REFUGEES UNDERTOOK MOVEMENT. LPF ADAMANTLY REFUSED TO PERMIT ANY SUCH INSPECTIONS, AND VIENTIANE SIDE FINALLY CONCEDED THIS POINT AS WELL.

C) INSPECTION OF SITES AFTER RESETTLEMENT: VIENTIANE SIDE WON ON THIS POINT BUT ONLY TO THE EXTENT THAT LPF SIDE WILL PERMIT

JCCIA MIXED TEAMS TO VISIT. LPF SAID THEY WOULD ALLOW NO VISITS OR INSPECTIONS BY ANY OTHER PARTY, PRESUMABLY REFERRING TO FOREIGN DONORS. (COMMENT: WE BELIEVE LPF WILL FIND A VARIETY OF PRETEXTS TO PREVENT JCCIA TEAMS FROM ACTUALLY ENTERING THEIR ZONE AND EVEN THIS "CONCESSION" THEREFORE IS UNLIKELY TO AMOUNT TO MUCH.)

6. KITHONG SAID THAT THE PRECISE NUMBER OF REFUGEES IS NOT CURRENTLY KNOWN, ALTHOUGH THE VIENTIANE SIDE HAS CLAIMED AT TIMES THAT THERE ARE AS MANY AS 600,000. KITHONG'S OWN ESTIMATE IS THAT THERE MAY BE 400,000 TO 450,000 REFUGEES AT PRESENT. HE PREDICTED THAT NEARLY HALF OF THEM--PERHAPS 180,000--WILL WANT TO RETURN TO NATIVE VILLAGES.
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7. KITHONG ADDED THAT ONE OF THE THREE JCCIA MIXED TEAMS ASSIGNED TO DETERMINE REFUGEES' PREFERENCES WOULD BEING ITS SURVEY WORK IN VIENTIANE PROVINCE ON DECEMBER 30, WITH THE OTHER TWO MOBILE TEAMS JOINING THE SURVEY SOON AFTERWARDS. MOBILE TEAMS WOULD LATER EXTEND THEIR WORK TO OTHER AREAS. NORMAL PROCEDURE WILL BE FOR TEAM TO OBTAIN LIST OF REFUGEES FROM VILLAGE CHIEF AT RESETTLEMENT SITE AND THEN TO INTERVIEW FAMILY HEADS, ALTHOUGH IN THEORY MOBILE TEAMS ARE EMPOWERED TO TALK TO EVERY SINGLE REFUGEE. (KITHONG BELIEVES THAT EXISTING LISTS MAINTAINED BY SOCIAL WELFARE SERVICE ARE OUT OF DATE.)

8. THE OBVIOUSLY UNREALISTIC TWO-MONTH DEADLINE FOR COMPLETION OF REFUGEE RESETTLEMENT WAS INSERTED IN DECEMBER 20 AGREEMENT BY VIENTIANE SIDE FOR PSYCHOLOGICAL REASONS, TO CREATE APPEARANCE OF MOVEMENT. IN THIS CONNECTION, KITHONG NOTED THAT HIS OFFICE CONSTANTLY RECEIVES INDIVIDUAL PETITIONS FROM REFUGEE FAMILIES FOR PERMISSION TO RETURN TO NATIVE VILLAGES. KITHONG'S OWN EXPECTATION WAS THAT AT MOST PERHAPS 50,000 OR 60,000 REFUGEES COULD BE MOVED BEFORE NEXT PLANTING SEASON BEGINS -- THAT IS, BY LATE APRIL OR EARLY MAY.

9. KITHONG CONFIRMED THAT JCCIA HAD NOT, AS OF DECEMBER 27, FORMALLY ASKED PGNU TO PROVIDE TRANSPORTATION, SUPPLIES, OR ANY OTHER FACILITIES FOR REFUGEE MOVEMENT. LPF HAD BRUSHED OFF ALL VIENTIANE SIDE QUESTIONS REGARDING STATE OF PREPARATIONS TO RECEIVE REFUGEES, SAYING SIMPLY THAT THIS WAS THEIR RESPONSIBILITY AND REFUGEES WOULD BE ADEQUATELY TAKEN CARE OF.

10. KITHONG EXPRESSED BELIEF THAT UN HIGH COMMISSION FOR REFUGEES (UNHCR) WOULD GIVE LAOS LARGE PERCENTAGE OF THE \$12 MILLION IT HAS RECEIVED FOR INDOCHINA, AND AT AN EARLY DATE, BECAUSE LAOS IS THE ONLY COUNTRY THAT CURRENTLY HAS AN ACTIVE REFUGEE PROGRAM. HE ADDED THAT HE UNDERSTOOD UNHCR WOULD NOT RPT NOT INSIST ON RIGHT TO VISIT SITES EITHER BEFORE OR AFTER

REFUGEES MOVE. (THIS IS CONTRARY TO WHAT UNHCR REPRESENTATIVE CUENOD RECENTLY TOLD AMBASSADOR; SEE VIENTIANE 9192.) FOR GENEVA: WE BELIEVE UNHCR SHOULD REFUSE TO SUPPORT REFUGEE PROGRAM UNLESS ADEQUATE VERIFICATION AND AUDIT PERMITTED. WOULD APPRECIATE ANY INFO AVAILABLE TO YOU ON UNHCR VIEWS ON THIS SUBJECT.

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11. EMBOFF ASKED ABOUT GRANT OF "POCKET MONEY" AND OTHER FINANCIAL ARRANGEMENTS FOR REFUGEES, GIVEN FACT THAT TWO SIDES HAVE NOT YET AGREED ON A SINGLE CURRENCY. KITHON WAS UNCERTAIN HOW THIS ASPECT OF PROGRAM WOULD WORK OUT BUT THOUGHT THAT MANY REFUGEES ON RETURN TO LPF ZONE WOULD FIND LIVESTOCK AND OTHER ITEMS THERE WHICH WOULD BE SURPLUS TO THEIR NEEDS, SELL THESE, AND USE LPF CURRENCY THUS OBTAINED TO PAY FOR NECESSITIES.

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12. MINISTRY OF INFORMATION OFFICIAL WITH WHOM WE HAVE ALSO DISCUSSED REFUGEE SITUATION ACKNOWLEDGED THAT, DESPITE LONG IDENTIFICATION OF SOCIAL WELFARE DIRECTORATE WITH REFUGEE PROBLEM, VIENTIANE SIDE WOULD NOT NOW BE ABLE TO INFLUENCE REFUGEES TO REMAIN IN ITS ZONE EVEN IF IT WANTED TO DO SO. HE NOTED MAIN POINTS IN ANY PSYWAR CAMPAIGN WOULD BE NEGATIVE: (A) NATIVE VILLAGES IN LPF ZONE WERE STILL DANGEROUS BECAUSE OF UNEXPLODED ORDNANCE AND (B) BECAUSE OF LPF REFUSAL TO ACCEPT FREEDOM OF MOVEMENT, REFUGEES WOULD BE UNABLE TO LEAVE LPF ZONE AGAIN IF THEY FOUND CONDITIONS THERE INTOLERABLE. OFFICIAL STRESSED, HOWEVER, THAT VIENTIANE SIDE HAS NO SUCH CAMPAIGN UNDER WAY OR IN MIND.

13. IN DISCUSSIONS WITH SOCIAL WELFARE DIRECTORATE (SWD), PERSONNEL, USAID REPRESENTATIVES HAVE VERIFIED SOME OF POINTS DISCUSSED ABOVE BUT HAVE RECEIVED A DIFFERENT SLANT ON OTHERS:
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(A) SWD PERSONNEL HAD SEEN JCCIA DOCUMENT ON REFUGEES BUT HAD NOT BEEN APPROACHED FOR ASSISTANCE TO REFUGEES;

(B) SWD OFFICIALS VERIFIED WITH A MEMBER OF JCCIA MIXED MOBILE TEAM THE SURVEY DATA REPORTED IN PARA 4 ABOVE;

(C) HOWEVER, SWD EMPLOYEES MADE SPOT INQUIRIES OF THEIR WON AMONG XIENG KHOUANG REFUGEES CURRENTLY RESETTLED ON VIENTIANE PLAIN IN LATE DECEMBER (DIFFERENT VILLAGES FROM THAT VISITED BY JCCIA) AND GOT ROUGHLY OPPOSITE READING: I.E., TEN PERCENT OF REFUGEES EXPRESSED DESIRE TO RETURN TO NATIVE VILLAGES RIGHT AWAY AND NINETY PERCENT SAID THEY WOULD PREFER TO REMAIN WHERE THEY ARE OR AT LEAST POSTPONE RETURN UNTIL ASSURED OF ADEQUATE SUPPORT AND HELP IN REHABILITATING THEMSELVES IN THEIR OLD HOMES. (COMMENT: TRADITIONAL LAO PRACTICE OF TELLING QUESTIONER WHAT RESPONDENT THINKS HE WANTS TO HEAR MAY EXPLAIN THIS DISCREPANCY. IT IS VERY RARE THAT FORMAL SURVEY OF THIS TYPE WILL PRODUCE ANSWERS THAT REPRESENT BASIC CONVICTIONS OF RESPONDENTS.)

(D) SWD OFFICIALS ALSO STATED THAT JCCIA MIXED MOBILE TEAMS ARE NOT QUESTIONING FAMILY HEADS BUT ARE CONFINING QUESTIONING TO NAI BANS AND TASSENS OF VILLAGES VISITED AND ARE BASING ESTIMATES OF REFUGEES WISHING TO RETURN ON ANSWERS GIVEN BY VILLAGE LEADERS. SWD OFFICIALS ACKNOWLEDGED, HOWEVER, THAT THEY THEMSELVES HAD TALKED ONLY WITH VILLAGE LEADERS.

14. IN SUMMARY, WE CANNOT JUDGE WITH ANY CONFIDENCE THE REAL ATTITUDE OF THE REFUGEES ABOUT RETURN TO THEIR ORIGINAL HOMES IN THE LPF ZONE. WE HAVE ALWAYS BELIEVED THAT, IF CONDITIONS WERE RIGHT FROM REFUGEES' POINT OF VIEW, A SUBSTANTIAL MAJORITY OF REFUGEES WOULD OPT TO RETURN. WHETHER OR NOT THE LPF MEMBERS OF THE MIXED MOBILE TEAMS CAN CONVINCE THE REFUGEES THAT CONDITIONS ARE "RIGHT" IS SOMETHING WE WILL SIMPLY HAVE TO WAIT AND SEE.

15. COMMENT: GIVEN THE VERY UNSATISFACTORY AGREEMENT REACHED BY JCCIA, IN EFFECT ENDORSING FULLY LPF POSITION ON SUBJECT, I HAVE INSTRUCTED USAID TO DECLINE TO SUPPORT PROGRAM FOR REFUGEE RETURN TO VILLAGES IN LPF ZONE UNTIL SITUATION BECOMES CLEARER. LIMITED OFFICIAL USE

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I DO NOT THINK THAT U.S. SHOULD BECOME ASSOCIATED WITH A PROGRAM THAT PROVIDES NO ASSURANCES ON FREEDOM OF MOVEMENT AND NO MEANS OF VERIFYING CONDITIONS UNDER WHICH REFUGEES WILL LIVE AFTER IT IS IMPLEMENTED.

16. JCCIA AGREEMENT ALSO POSES PROBLEMS FOR UN HIGH COMMISSION, WHOSE STANDARD AGREEMENT WITH ANY RECIPIENT COUNTRY CALLS FOR INSPECTION OF PROGRAMS AND AUDIT OF EXPENDITURES. PGNU HAS SO FAR REFUSED TO SIGN AGREEMENT WITH UNHCR BECAUSE OF LPF OPPOSITION WITHIN CABINET TO THESE PROVISIONS. WE ARE ENCOURAGING UNHCR TO MAINTAIN A FIRM POSTURE CONSISTENT WITH OUR OWN. AS NOTED ABOVE, WE HOPE U.S. MISSION GENEVA WILL SUPPORT THIS POINT OF VIEW. WHITEHOUSE

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